

## CHAPTER 71

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**REVENUE - ACTIVITIES REGULATION**

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**HOUSE BILL 19-1028**

BY REPRESENTATIVE(S) Hooton and Ransom, Baisley, Van Winkle, Bird, Bockenfeld, Buckner, Buentello, Duran, Esgar, Exum, Froelich, Galindo, Garnett, Geitner, Gray, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, Melton, Mullica, Neville, Roberts, Saine, Singer, Snyder, Sullivan, Titone, Valdez A., Wilson, Becker; also SENATOR(S) Coram and Fenberg, Marble, Crowder, Fields, Gonzales, Moreno, Tate, Todd.

**AN ACT**

**CONCERNING THE CONDITIONS FOR MEDICAL MARIJUANA USE FOR DISABLING MEDICAL CONDITIONS, AND, IN CONNECTION THEREWITH, ADDING AUTISM SPECTRUM DISORDERS TO THE LIST OF DISABLING MEDICAL CONDITIONS FOR MEDICAL MARIJUANA USE.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 25-1.5-106, **amend** (2)(a.7) and (2.5)(i)(I) as follows:

**25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal. (2) Definitions.** In addition to the definitions set forth in section 14 (1) of article XVIII of the state constitution, as used in this section, unless the context otherwise requires:

(a.7) "Disabling medical condition" means:

(I) Post-traumatic stress disorder as diagnosed by a licensed mental health provider or physician; AND

(II) AN AUTISM SPECTRUM DISORDER AS DIAGNOSED BY A PRIMARY CARE PHYSICIAN, PHYSICIAN WITH EXPERIENCE IN AUTISM SPECTRUM DISORDER, OR LICENSED MENTAL HEALTH PROVIDER ACTING WITHIN HIS OR HER SCOPE OF PRACTICE.

(2.5) (i) Notwithstanding the provisions of this subsection (2.5), no patient with a disabling medical condition who is under eighteen years of age shall engage in the

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

medical use of marijuana unless:

~~(I) Two physicians one of whom must be a board-certified pediatrician, a board-certified family physician, or a board-certified child and adolescent psychiatrist and attest that he or she is part of the patient's primary care provider team, have diagnosed the patient as having a disabling medical condition~~ HAVE DIAGNOSED THE PATIENT AS HAVING A DISABLING MEDICAL CONDITION. IF THE RECOMMENDING PHYSICIAN IS NOT THE PATIENT'S PRIMARY CARE PHYSICIAN, THE RECOMMENDING PHYSICIAN SHALL REVIEW THE RECORDS OF A DIAGNOSING PHYSICIAN OR A LICENSED MENTAL HEALTH PROVIDER ACTING WITHIN HIS OR HER SCOPE OF PRACTICE.

**SECTION 2.** In Colorado Revised Statutes, 25-1.5-106.5, **amend** (3)(b)(I) as follows:

**25-1.5-106.5. Medical marijuana health research grant program. (3) Review of applications.** (b) **Grant approval.** (I) The council shall submit recommendations for grants to the state board of health. The state board of health shall approve or disapprove of grants submitted by the council. THE STATE BOARD OF HEALTH IS ENCOURAGED TO PRIORITIZE GRANTS TO GATHER OBJECTIVE SCIENTIFIC RESEARCH REGARDING THE EFFICACY AND THE SAFETY OF ADMINISTERING MEDICAL MARIJUANA FOR OVARIAN CANCER; DEMENTIA; PEDIATRIC CONDITIONS, INCLUDING BUT NOT LIMITED TO AUTISM SPECTRUM DISORDER; AND OTHER CONDITIONS THAT THE STATE BOARD DEEMS SUITABLE. If the state board of health disapproves a recommendation, the council may submit a replacement recommendation within thirty days.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 2, 2019